

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 96-232-W - ORDER NO. 97-1018
DECEMBER 1, 1997

IN RE: Concerned Citizens Against Carolina)	ORDER
Water Inc.,)	GRANTING
)	RECONSIDERATION,
Complainant,)	NOTICE AND
vs.)	A HEARING
)	
Carolina Water Service, Inc.,)	
)	
Respondent.)	
)	
)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Petition for Rehearing or Reconsideration of our Order No. 97-874 filed by Carolina Water Service, Inc. (CWS or the Company). The Company complains that Order No. 97-874 was issued without notice and opportunity for hearing.

Order No. 97-38 originally called for a management audit of the Company to be performed, which was to be funded by the performance bond funds which were ordered to be forfeited. Order No. 97-192 denied the CWS request for reconsideration of this issue. The Company subsequently filed a Petition for Judicial Review of this matter.

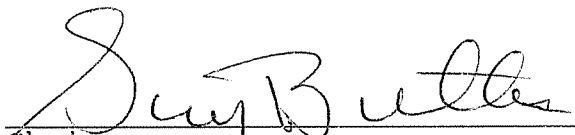
On October 14, 1997, this Commission issued Order No. 97-874, by which the Commission modified the requirements by

requiring the Company to contract for the conduct of the management audit at its own expense, while still requiring confiscation of the Company's performance bond (which was to be credited towards the funding of the management audit). CWS complains that this Order was issued without notice to the Company and without opportunity for hearing.

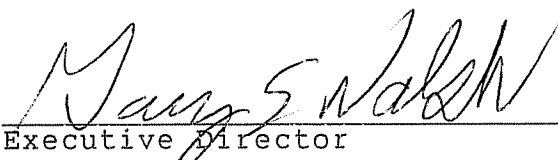
CWS cites various constitutional and statutory provisions and case law supporting its position. Upon consideration and contemplation of the facts of this case, we agree that the better practice would have been for us to have provided for notice and opportunity to be heard prior to issuance of the Order in question. We therefore grant so much of the Company's Petition as calls for notice and opportunity to be heard on CWS funding of the management audit. We hold that a Notice shall be issued, and a hearing on this matter set at such time as may be designated by the Commission Staff.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Deputy Executive Director

(SEAL)